



Practitioner's Docket No. 51436.0000

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

☐ original ☐ design ☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

☒ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

☐ divisional ☐ continuation

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements - nonprovisional application).

☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

**System and Device Implantable In Tissue of a Living Being for Recording and Influencing
Electrical Bio-Activity**

SPECIFICATION IDENTIFICATION

the specification of which:

a) ☒ is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(1) name of inventor(s) and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

b) ☐ was filed on _____ as ☐ Serial No _____

or ☐ and was amended on _____ (if applicable)

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. § 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be acceptable as complying with the identification requirement of 37 C.F.R. § 1.63:

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- (A) application number (consisting of the series code & serial number, e.g. 08/123,456);
 (B) serial number and filing date;
 (C) attorney docket number which was on the specification as filed;
 (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
 (E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of series code and serial number, e.g. 08/123,456) or serial number and filing date. Absent any statements to the contrary, it will be presumed the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.
 MPEP 801.01(a), 7th Ed.

- (c) ☒ was described and claimed in PCT International Application No. PCT/DE2005/000521
 filed March 22, 2005 and as amended under PCT Article 19 on _____ (if any)

SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))

(complete the following where a supplemental declaration is being submitted)

- ☐ I hereby declare that the subject matter of the
☐ attached amendment ☐ amendment filed on _____
 was part of my/our invention and was invented before the filing date of the original application,
 above-identified, for such invention.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification,
 including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code
 of Federal Regulations § 1.56,

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is
 a substantial likelihood that a reasonable Examiner would consider it important in deciding
 whether to allow the application to issue as a patent, and
☐ in compliance with this duty, there is attached an information disclosure statement, in
 accordance with 37 C.F.R. § 1.98.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. § 119(b) must be filed in the case of an interference (§ 1.830), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(f). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
 (e) ☒ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION & ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMS UNDER 37 USC 119		
Germany	DE 102004014694.2-35	March 25, 2004	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
PCT	PCT/DE2005/000521	March 22, 2005	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

NOTE: 35 USC 119 (A)(1) requires that a nonprovisional application be filed within 12 months of the filing date of the provisional application for the nonprovisional application to claim the benefit of the provisional application filing date. Under 35 USC 21(b) and 119(e)(3), if this 12 month period expires on a non-business day, it is extended to expire on the next business day.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. § 120

☐ This application is a continuation-in-part of co-pending application number

_____ filed on _____

_____ application number

_____ date

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jon L. Woodard 45,515
Edward W. Goebel, Jr. 22,678
Jonathan M. D'Silva 57,226

(check the following item, if applicable)

- ☒ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO:

☒ Jon L. Woodard / Edward W. Goebel, Jr.
Jonathan M. D'Silva
MacDonald, IIIig, Jones & Britton LLP
100 State Street
Suite 700
Erie, PA 16507-1459

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)
814-870-7664

☒ Customer Number 27101

JUL 11 2006 THU 04:43 PM MacDonal

FAX NO. 18144544647

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**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.
NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. § 1.63(a)(3).
NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

Full name/signature of sole or first inventor

<u>Klaus</u> (GIVEN NAME)	<u>Richard</u> (MIDDLE INITIAL OR NAME)	<u>Pawelzik</u> (FAMILY OR LAST NAME)
Inventor's Signature: <u></u>		
Date: <u>Oct. 23, 2006</u> Country of Citizenship: <u>Germany</u>		
Residence: <u>Bei den drei Pfählen 9, 28205 Bremen, Germany</u>		

Full name/signature of second or joint inventor

<u>David</u> (GIVEN NAME)	<u></u> (MIDDLE INITIAL OR NAME)	<u>Rotermund</u> (FAMILY OR LAST NAME)
Inventor's Signature: <u></u>		
Date: <u>Oct. 23, 2006</u> Country of Citizenship: <u>Germany</u>		
Residence: <u>Cramersstrabe 185, 27749 Delmenhorst, Germany</u>		

Full name/signature of additional joint inventor

<u></u> (GIVEN NAME)	<u></u> (MIDDLE INITIAL OR NAME)	<u></u> (FAMILY OR LAST NAME)
Inventor's Signature: _____		
Date: _____		
Residence: _____		

Full name/signature of additional joint inventor

<u></u> (GIVEN NAME)	<u></u> (MIDDLE INITIAL OR NAME)	<u></u> (FAMILY OR LAST NAME)
Inventor's Signature: _____		
Date: _____		
Residence: _____		

☒ This declaration ends with this page.

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Practitioner's Docket No.

51436.0000**PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights
 For: ☒ U.S. Application or
☐ U.S. Provisional Application
 For: ☐ U.S. Patent
 For: ☒ PCT Application
 By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged.

1.	<u>Klaus Pawelzik</u>	<u>Bei den drei Pfählen 9, 28205 Bremen,</u>	<u>German</u>
	<u>Germany</u>		
	Assignor	Residence Address	Nationality
2.	<u>David Rotermund</u>	<u>Cramerstrasse 186, 27749 Delmenhorst,</u>	<u>German</u>
	<u>Germany</u>		
	Assignor	Residence Address	Nationality

hereby sells, assigns and transfers to:

ASSIGNEE: Universität Bremen
 (type or print name(s) of ASSIGNEE(S))
 Address: Bibliothekstrasse 1
28359 Bremen
 Nationality: Germany

and the successors, assigns and legal representatives of ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest

☐ an undivided _____ percent (_____%) interest

for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority,
 in and to any and all improvements which are disclosed in the invention entitled:

**System and Device Implantable in Tissue of a Living Being for Recording and
 Influencing Electrical Bio-Activity**

Title of Invention

Typed or Printed
 Inventors Names:

Klaus Pawelzik

David Rotermund

SERIAL: 2006 IN: 04:42 PM MacDonald III

FBI NO 16:4454464

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(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in (37 C.F.R. § 3.21)

- (a) ☒ U. S. patent application executed on: Sept. 23, 2006
- (b) ☐ U. S. patent application executed on: _____
- (c) ☐ U.S. provisional application naming the above inventor(s) for the above-entitled invention by:
☐ Express mail label number: _____ mailed on: _____
- ☐ To comply with 37 CFR § 3.21 for recordal of this assignment, I, an ASSIGNOR, signing below hereby authorize and request my attorney to insert below the filing date and application number when they become known.
- (d) ☐ U.S. application number: _____
- (e) ☐ German application number: _____ filed
PCT Application _____ filed
- (f) ☐ U.S. Patent Number: _____ Issued: _____
- ☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.
(also check (g) if foreign application(s) is also being assigned)
- (g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority.

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the date listed below.

WARNING: The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Date: ⇒ 10/23/06

⇒ [Signature]
 Klaus Schwetlik (Signature)

Date: ⇒ 10/23/06

⇒ [Signature]
 David Rotermund (Signature)